

**LOUISVILLE METRO COUNCIL MEETING
REGULAR MEETING
DECEMBER 3, 2009
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President Tandy called the **December 3, 2009** Regular Meeting of the Louisville Metro Council to order at 6:00 PM. He asked all to rise and join him in the Pledge of Allegiance to the Flag.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT
PRESIDENT DAVID TANDY: PRESENT
CHERI BRYANT HAMILTON: PRESENT
GEORGE UNSELD: PRESENT
KEN FLEMING: PRESENT
TOM OWEN: PRESENT
TINA WARD-PUGH: PRESENT
JIM KING: PRESENT
KEVIN KRAMER: PRESENT
RICK BLACKWELL: PRESENT
VICKI WELCH: PRESENT
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: PRESENT
GLEN STUCKEL: PRESENT
JON ACKERSON: EXCUSED ABSENCE
HAL HEINER: PRESENT
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: PRESENT
DOUG HAWKINS: PRESENT
BRENT ACKERSON: PRESENT

CLERK: There are 25 members present establishing a quorum.

PRESIDENT TANDY: Please allow the record reflect that Councilman Jon Ackerson has an excused absence.
CLERK: So noted.

ADDRESSES TO COUNCIL: PRESIDENT TANDY: Thank you, Madam Clerk, The next item of business is addresses to Council. Are there any addresses to Council?
CLERK: Yes sir.

Deborah O’Gorman – TARC
Karen Arachikavitz – Louisville Gas & Electric

CLERK: That concludes the Addresses to Council.
PRESIDENT TANDY: Thank you, Madam Clerk.

INTRODUCTION OF PAGES:

PRESIDENT TANDY: Next item of business is our introduction of pages. Councilman Kramer please introduce your page.

COUNCILMAN KRAMER: Thank you, Mr. President. We are joined this evening by a young man named Trent Savage. He is a fifth grader at Tully Elementary School. He is also in the advanced program there and also volunteers as a computer lab assistant there and a computer buddy to the younger students. There really are younger students at Tully than Trent. He's currently a member of the basketball team. His interests are sports basketball, of course, football and baseball computer Nintendo DS which is apparently the newest game system. I haven't seen yet and Wii and fortunately for us reading which means we can look forward to great things from him in the future. Trent is the older of three. His sister Reagan, is in the third grade at Tully and his brother, Chase, will be entering Tully's preschool the first of next year .so we're happy to have him and want to say thank you to Trent for helping us out tonight.

COUNCILMAN ENGEL: Mr. President, a point of personal privilege. Did I hear you say Tully Elementary Councilman Kramer?

PRESIDENT TANDY: Councilman Kramer

COUNCILMAN KRAMER: Yes he recognizes the name Engel. But I think more from a Mrs. Engel than a Mr. Engel.

COUNCILMAN ENGEL: Please make sure the teacher, Mrs. Diana Engel keeps you in line and please keep her in line, too. Thank you very much.

PRESIDENT TANDY: No different than at home, huh?

COUNCILMAN ENGEL: It's Christmastime, Mr. President.

PRESIDENT TANDY: Next, we'll have introduction of Councilman Blackwell; please introduce your page.

COUNCILMAN BLACKWELL: Thank you, Mr. President. This is Andrea Blackburn. Andrea is eight years old and a third grader and St. Nicholas Academy. Andrea is a member of the chess club; stamp club and competition team with the all stars gymnastics. Recently her team took first place in the Autumn Classic Meet which is a statewide competition. Andrea is also the niece of District 15 Councilwoman Marianne Butler but she lives in District 12. But she maybe will look familiar to you because she did serve as a page for District 15 about a year ago. Enjoyed the experience and she wanted to come back and we are happy to have her so. Andrea we're happy to have you and happy to have you represent District 12 tonight.

PRESIDENT TANDY: Andrea, thank you for coming, as well. Mighty sharply dressed pages tonight. We appreciate that.

GUESTS:

PRESIDENT TANDY: Next we have introduction of guests. Councilwoman Green, would you please introduce your guests?

COUNCILWOMAN GREEN: Good evening, everyone.

I would like to call forth the -- one of the football teams that practices in my district.

They are not the St. Louis Rams, they are much better.

They are the Flaget Rams. Would you all please come forward, young men, coaches and team moms?

COUNCILWOMAN GREEN: Tony, is that good or do you want them to go that way? Okay.

You all know I love the young men in my district and I'm so proud of them and what they have accomplished.

You know, we hear a lot about the crime that's taking place in West Louisville.

We hear a lot about the crime that some of our young African-American boys are committing.

But look at these young men tonight. These are stellar upstanding men that are not committing crimes other than they won first place in the Metro Louisville Youth League football senior division.

Let's give them a hand. Now when I said the only crime they committed, they beat out the No. 1 seed and they beat them 8-0. So that's the crime they committed. Great crime.

Anyway, I thought it would be very befitting to bring them here for my colleagues to see and for the general public to see. Because guys, this will be aired on Metro TV channel 25. And I will let you all know or try to even get a copy. But I just want to say how proud I am of you all.

They work hard. They played hard.

And they achieved this level of success that will stay with them the rest of their life.
Just remember, also you've got to be good community citizens in the school and in the community.
Now, I've been asked to not take up a lot of time by Councilman Downard, my good friend.

So what I'm going to do, coaches, we did not have all of the names of the boys. So we don't have certificates for them. We'll get those done and made. : But I am going to call their names. Stevon Beason, Royshawn Beason, Corey Durham, Elijah Gardner, Devin Reynolds, Sydney Tedford, JaJuan Hailey, D'errius Kite, Ricardo Daniels, Kahaii Logan, Dominique Swann, Isaiah Young, Reginald Gaston, Durand Dennis, Cory Hardin III, Antonio Watkins, Jonas Griffith,

Is that everybody? I know Chris John Philpot isn't here so we'll make sure we'll get him something but I want to also talk about this group of men, fine looking men that coach these boys.

My son I had for 15 or 20 years paid for the Rams. They have been out here day and day out working with our children and our youth in West Louisville.

So again, some people think all of these men in West Louisville are locked up and dealing drugs.

They are not. They are out here working hard for our children to make them better.

So I want to give a shout out to the coaches.

First of all, Dujuan Burrell, Roderick Dobbins, Coach KD Simmons. Coach Ibn Green. That's my son. Ya'll didn't know that. Not really. He was a great football player at U of L and he works with city Government, also. So he's such an asset to the Rams organization.

Roderick Tinker, Head coach, Devian Logan.

Sorry about that.

And then team mom, Faith Taffer, who helped tremendously with these young men. And I don't see the cheerleaders here we'll have to get them, too. Okay.

But anyway, I just wanted to say -- publicly say thank you.

I do have a plaque, Coach Devian would you come and get this plaque.

COUNCILWOMAN GREEN: And this plaque just says congratulations to the Rams.

The football team for an 8-0 win on November 21st.

And it's signed by David Tandy Metro Council president and Councilwoman Green first District Council woman and we'll get you all the coaches included -- coach, I left you off.

I'm so sorry. This is one of our premiere coaches that's been with us forever and ever and ever.

I think he was a former sheriff with Jefferson County.

So coach, raise your hand.

Thank you, all.

Thank you for coming, guys, we appreciate it.

Coach Jason Wyatt Go on out ya'll. Thank you.

PRESIDENT TANDY: Councilwoman Green thank you for that.

Again to the Flaget Rams, thank you for coming here and congratulations on a job well done.

We hope you continue to learn the lessons that you learn on grid iron and apply those to your life, as well.

Thank you, ya'll. Next we have guests by Councilwoman Ward-Pugh.

Please introduce your guests.

COUNCILWOMAN WARD-PUGH: Colleagues, tonight I invited for your entertainment as well as to officially recognize the Pride of Kentucky Chorus' recent international achievement.

The Pride of Kentucky Chorus is celebrating its 25th year as a chapter of Sweet Adelines International, a non profit, educational organization. Sweet Adelines is a worldwide organization of women singers committed to advancing the musical art form of four part, a cappella barbershop harmony through education and performances.

The international membership of nearly 25,000 women includes not only the United States, but also choruses from Australia, Canada, England, Finland, Germany, Japan, New Zealand, Scotland, Sweden, Wales and the Netherlands. The organization encompasses more than 1,200 registered quartets and 600 choruses.

As regional champions, Pride of Kentucky Chorus participated in the 2009 Sweet Adeline International Competition in Nashville, Tennessee last month, with 126 members ranging from 11 to 84 years of age on stage, and they proudly captured the 3rd place bronze medal competing against 36 other regional champion choruses from around the world! The chorus' high numeric score qualified their Master Director, Debbie Hite, to be awarded the honorable title and pin of "Gold Master Director"! That award is held by only ten other directors in the world. (They sang two songs)

PRESIDENT TANDY: Thank you all so much for coming. We can officially say now that it is the holiday season and everybody is talking about Light Up Louisville. But this is officially kicking it off and it's certainly good to see those who enjoy what they are doing and be excellent at it. So we thank you for being here tonight and thank you Councilwoman Ward-Pugh for inviting them here for us this evening. Thank you so much.

APPROVAL OF COUNCIL MINUTES:

PRESIDENT TANDY: Next on our agenda, we have Council minutes for our regular meeting of November 19, 2009. Are there any corrections or deletions? Seeing none, we now have the minutes before us. Is there a motion to approve?

COUNCILMAN DOWNARD: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the (council) minutes before us. All in favor say aye.

ALL PRESENT: AYE

PRESIDENT TANDY: All opposed?

The ayes have it.

The minutes are approved as written.

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT TANDY: The next item of business is approval of the following committee minutes.

Regular: Committee of the Whole – November 19, 2009

Regular: Committee on Committees – December 1, 2009

Special: Contracts and Appointments – November 30, 2009

Special: Labor & Economic Development – November 30, 2009

Special: Planning/Zoning, Land Design & Development – November 24, 2009

PRESIDENT TANDY: Are there any corrections or deletions?

COUNCILMAN PEDEN: Motion to approve.

COUNCILMAN DOWNARD: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the Committee minutes before us. All in favor please signify by saying aye.

ALL PRESENT: AYE

PRESIDENT TANDY: All opposed?

The ayes have it.

The minutes are approved as written.

SPECIAL ORDINANCES AND RESOLUTIONS:

Next we have -- we're going to invoke Council Rule 7.12, which allows for suspension of Rule 7.01 passing legislation on one reading and declaring an emergency for the following two resolutions.

Without objection we will invoke Rule 7.12.

Madam Clerk, a reading of Item No. 9.

**9- R-246-12-09 A RESOLUTION IN SUPPORT OF KEEPING JBS IN BUTCHERTOWN;
DECLARING THE ENACTMENT OF THIS RESOLUTION AN EMERGENCY.**

PRESIDENT TANDY: Is there a motion?

COUNCILMAN DOWNARD: So moved.

COUNCILMAN KING: Second.

PRESIDENT TANDY: The item is properly moved and seconded. We now have the resolution before us. Is there any discussion? Councilman Blackwell?

COUNCILMAN BLACKWELL: Thank you, Mr. President.

This I think everyone is pretty familiar with this since most of you signed on as co-sponsors.

I just want to point out a couple of things.

First, I thank Councilwoman Butler and the committee for holding a special meeting to be able to talk about this, and to make corrections.

And thank all of you who attended the meeting, watched the meeting and then got with us about changes that you felt like we needed to make and we tried to address all of those in the resolution that's before us now.

Just a couple of things.

And then one is that what the resolution clearly in a time like this where we have unemployment and so on, you know, when we have jobs that are good paying jobs with benefits, it is important to, I think, for us to be able to make a statement to say that these jobs are important and are important to the community and are certainly important to the 1300 workers that are there.

The other piece is that in terms of an emergency, the reason that we're doing this with one reading tonight and voting on it tonight is because the Union officials have a meeting scheduled with the plant owners next week.

So we wouldn't have enough time in our schedule to have -- to go through the normal process and have the reading and address it in the committee meeting and then vote on it before this meeting occurs.

So we try to do -- what we tried to do instead was to try to respect the committee process as much as possible as we got with Councilwoman Butler and had this special meeting prior to this meeting so that we could talk about it at the -- at that meeting, as well. So I appreciate everyone's support. I appreciate everyone's input.

And of course we're asking for your vote tonight. Thank you.

PRESIDENT TANDY: Is there any further discussion? Councilwoman Ward-Pugh?

COUNCILWOMAN WARD-PUGH: I'm going to read a statement here because I've been trying to collect my thoughts on this.

It is no accident that I have not signed on as a co-sponsor of this resolution. Not only am I not a co-sponsor but I will be voting no on this resolution as well. Though certainly there will be folks who will go immediately to their computers and spread the news that Councilwoman Ward-Pugh voted against "jobs" for our families, I am not swayed by their continued misinformation.

Though JBS is not located in the 9th District, there is a sliver of Butchertown that I represent. I have not played a leading role in any negotiations for their future but I have listened to a growing number of residents—some in the 9th District—who are frustrated with how JBS chooses to operate its facilities in Butchertown. Let me be clear. I am for jobs. And I am for jobs at JBS. Therefore, I am NOT speaking on behalf of the half dozen or so residents who really don't care whether those jobs are lost or not. They are wrong.

I speak tonight, instead, for the hundreds of residents and some business owners who have worked over the past decade or so to envision a new Butchertown Neighborhood where businesses and residents can co-exist. And while perhaps they are hoping that JBS would

find a location more conducive to slaughtering hogs in rural Jefferson County, these majority are NOT trying to shut this operation's doors. These are the folks who expect this business to operate legally and follow the rules for as long as they exist in the neighborhood. However long. I'll remind you that this latest dust up was because JBS did not follow the law when it failed to get a permit for its expansion. They brought this latest round of misery on themselves by not following the law. I agree with you all that the error certainly did not warrant a closing of the plant. Far from it. But it also doesn't warrant vilifying the residents of Butchertown—the vast majority of whom just want to co-exist with each other and the businesses while being good neighbors.

The Board of Zoning Adjustment did its job. And I happen to agree with its decision. That's what makes this resolution so troublesome for me. Is it not enough to be satisfied that the decision was what it was? As far as I can tell, this resolution really only accomplishes the following: One, it further pits residents against workers; Two, you use a hammer to strike the half dozen people who are the size of gnats; Three, you paint ALL of the Butchertown residents as trying to get rid of JBS no matter the loss of jobs when that is NOT the case; Four, you encourage JBS to continue to be a good neighbor by reducing odor, noise and traffic but you failed to include what brought this about: by abiding by the law; and Five, you go in direct conflict with the hard work of a lot of folks over the years—including JBS—when you call for them to stay in Butchertown for years to come.

Yes, the Butchertown Neighborhood Plan calls for JBS to continue to look for a better location than in the heart of a downtown neighborhood. And rightfully so. We only have to look a few blocks from JBS for a clear example. Just as we have invested more than \$110 million dollars reclaiming our Waterfront and relocating those businesses to more appropriate locations that are less densely populated, we should give nothing less than our best efforts to pursue doing the same for this business in Butchertown. And this resolution does nothing. Quite the contrary. And I'd like to call for a roll call vote so I may record my NO vote on this resolution.

PRESIDENT TANDY: Thank you.
Any further discussion? Councilman King.

COUNCILMAN KING: Thank you, Mr. President.
I once heard someone say some of my friends are for this and some of my friends are against this. And I'm for my friends. And -- but I am going to vote for this because I come down on the fact that this resolution I think is more about supporting keeping jobs in Louisville and Jefferson County.
I do think that JBS has a duty to be a good corporate citizen and to abide by the law.
And I know that the law is -- I know that our city officials are working hard to make sure the law is enforced.
And as long as they do abide by the law, they should be -- they should be allowed to continue to operate.
Now, I do think Councilwoman Ward-Pugh makes an excellent point that it would be wonderful if we could help them locate in Jefferson County in a less densely populated area. I don't know if that's possible or not.
But I do know that I do not want the jobs that are there to leave Louisville. So I will be voting for this.
Thank you.

PRESIDENT TANDY: Councilman Downard?

COUNCILMAN DOWNARD: Thank you, Mr. President.

This is an unusual resolution. When I agreed to co-sponsor it with Councilman Blackwell several weeks ago, I knew it was unusual. And I'm going to be kind of plain. I'm not one of the people who says you should have known that Butchertown smelled like Butchertown when he moved there. I'm not one of those.

I'm also not one for a fight. I think we have a situation where we've had enough fighting.

I think it's time that we try to say let's find ways to incent JBS to expand and in the process of expanding to cut down continuously on the smell that is offensive. It's what -- they can't get rid of it but they have to cut it down as much as possible and we ought to be helping them do that. We ought to be helping them do that without moving. I am one that believes moving means somewhere out of state because if we're going to spend 400 million bucks why move down the road and I think that's a problem.

So I want to send a very, very clear message to the company and to the neighborhood.

We need to try to help you work together because there are ways to do this.

And not to eradicate it but to make it better we've done it in Rubbertown we'll continue to do it there let's try to continue working this and I hope we can and I would also ask for a roll call vote so I may vote yes for this.

Thank you.

PRESIDENT TANDY: Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you, Mr. President.

Our community really can't stand to lose any more jobs. For me that's the bottom line.

And I live in an area where there's a great amount of, I guess you would call it odor pollution.

And I have had to deal with that for a number of years and have residents that have tried to get businesses working through APCD to better their business and make it so that it's not a health hazard to the community.

But this resolution I've got mixed feelings about it. If it said that we support JBS whether they are in Butchertown or whether they are in another part of the community, you know, what's ever best for this community.

Whether they stay there and are able to make those changes, that's fine.

But if there is another location in this community that would open its arms to this business, I would hope that every one of these same people who have signed onto this resolution would support JBS whether they were in Butchertown or not. And for that reason I'm going to be voting no.

PRESIDENT TANDY: Any further discussion?

Seeing none, this is a resolution that would normally call for a voice vote but in order to record everyone's individual votes, Madam Clerk, please allow for a roll call vote, please.

Voting Result: Item 9

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: NO

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: NO

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: EXCUSED ABSENCE

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

BRENT ACKERSON: YES

CLERK: There are 23 yes votes, 2 no votes from Councilwoman Hamilton and Councilwoman Ward-Pugh and one excused member not voting, Councilman Jon Ackerson.

PRESIDENT TANDY: The resolution passes. The next item of business --

COUNCILWOMAN GREEN: Excuse me Mr. President in the caucus today I asked to be a co-sponsor.

Mr. Blackwell, did you mention to Ms. Herron that I would like to be a co-sponsor or should I say it on record.

COUNCILMAN BLACKWELL: I think you just did.

COUNCILWOMAN GREEN: Thank you, Mr. President.

PRESIDENT TANDY: No problem.

Madam Clerk, a reading of Item No. 10.

10- R-250-12-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A \$50,000.00 GRANT FROM UNIVERSITY HEALTH CARE, INC. FOR A DECREASING HEALTH DISPARITIES IN LATINO COMMUNITIES: A COMMUNITY ENGAGEMENT MODEL PROJECT; DECLARING THE PASSAGE OF THIS RESOLUTION AN EMERGENCY.

COUNCILMAN PEDEN: Motion to approve.
COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: The item is properly moved and seconded we now have the resolution before us. Is there any discussion? Councilwoman Welch.

COUNCILWOMAN WELCH: Thank you, Mr. President.
I was asked to do this on an emergency basis because it is a time sensitive grant that they hope to secure before the end of the year. And need that to come to the contracts committee next week.

PRESIDENT TANDY: Okay. Is there any further discussion?
Councilman Stuckel?

COUNCILMAN STUCKEL: Would you explain exactly what these disparities are and what this money is going to do?

COUNCILWOMAN WELCH: Since we haven't had the committee yet there's been no explanation of it. It is going to the committee. But it is going to the Health Department and the Health Department is who requested this grant to try to rush it through and not have to wait because it could go into the year 2010 and then it would be too late to receive the funding.

So since it is quite a bit money with \$50,000, I felt that you know it certainly deserved to be heard at the contracts committee this coming week.

PRESIDENT TANDY: Councilman Johnson?

COUNCILMAN JOHNSON: I will certainly support the city getting \$50,000 for this.
I hope we can pass it.

COUNCILMAN DOWNARD: Thank you, Mr. President.
I'm confused are we considering this an emergency in just giving it a first reading or voting on it tonight.

COUNCILWOMAN WELCH: Just for first reading.

CLERK: No it's on for an emergency vote.

COUNCILWOMAN WELCH: I was under the impression it was going to come to my committee next week.

COUNCILMAN DOWNARD: Well then does anybody know anything about it except that it's a rush?

PRESIDENT TANDY: Councilwoman Flood?

COUNCILWOMAN FLOOD: The only knowledge I have on it is what everyone else has on the screen that evidently the closing on this is December 15th 2009, which would take it out of our range for a first and second reading. There's ample information that it's going to the University Healthcare for Medicaid and related populations.

PRESIDENT TANDY: Go ahead, Councilwoman Welch.

COUNCILWOMAN WELCH: If you click on the documents portion under the resolution, that's where it explains it. And it is an improved health outcomes grant through University Healthcare Incorporated which you all may also know as Passport Health Plan here in our community.

They provide these grants throughout the community for different organizations every year.

And fortunately the Department of Health was one of the persons chosen to receive the grant.

And I do apologize for not -- I had a telephone call and I was under the impression that it was coming to the committee.

CLERK: It's because of the date.

COUNCILWOMAN WELCH: Okay.

PRESIDENT TANDY: Councilwoman Woolridge?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

And I was going to say the same thing my colleague Councilwoman Flood said. Because of the time we do not have our next Council meeting until December 17th, Mr. President.

And this project needs to be on its way between December 15th '09 and December 15, 2010 so basically it is time sensitive and I'm looking for a yes on this \$50,000. Thank you, Mr. President.

PRESIDENT TANDY: Thank you, Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President.

I understand that it's time sensitive and that it comes to us tonight with a special request for that purpose.

But I am at this point somewhat I think curious is not a strong enough word.

Somewhat perplexed I think is perhaps a better word as to why it is that whoever it is that made the decision that this was something they were hoping for would have waited until the 11th hour.

I mean why wasn't this brought forward weeks ago? It's hard for me to believe that a grant of \$50,000 came in oh so quickly. I mean it just seems odd to me.

And then I think this body has expressed in the past that we are not very happy about the fact too many times things are brought to us in a rush without giving us a chance to even discuss them or sending them to committee or to have discussion.

On the face of it, I mean, obviously a \$50,000 grant that we're accepting, how do you really stand up and argue against that. So I'm not arguing against the grant.

I certainly and I suppose if it's what we're left with I'll vote in favor of it tonight but I will vote in favor with on record as having said to whomever it was that decided this was the way or the time to do it, you know, at some point even if it's a great idea, at some point this body needs to start saying you know if you have an idea that's -- an issue that's important to you get it to us in a timely fashion and we'll deal with it. Two committees I know met in special committees this week met in order to get things approved it seems appropriate that this could have at least gone through a process like what they did with JBS which I almost voted against it and I fail to understand why it's an emergency but they got it into the committee first at least respected the process.

Again, I'm going to vote yes but I absolutely want to express my concern about the way that it's brought to us. Thank you.

PRESIDENT TANDY: Councilwoman Green.

COUNCILWOMAN GREEN: Thank you, Mr. President.

This is just a little bit perplexing to me that we would squabble about someone giving us \$50,000.

Now, I heard the question being asked what are we going to do with it. We all know the disparities in health care in minority communities. I know it very well in my African-American community. And as a practicing dentist I know the health care disparities.

We know those same disparities are just as bad or worse in the Latino community.

So it's just a little bit perplexing to me that we are concerned about how we got this resolution and why it came late. We're not spending out any money. We're taking in. Someone wants to give us \$50,000.

So I will definitely be voting in favor of this. Thank you, Mr. President.

PRESIDENT TANDY: Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President.

I just wanted to point out, too, in the backup if you look at it and we're talking about the timely basis, this was just submitted in November. So the likelihood is they just got confirmation of the grant.

And it was probably because of the dollars that the grant was run through like this.

Because again, in the body it specifically says according to the budget outline submitted in November 2009.

So the likelihood is that they did just get confirmation.

PRESIDENT TANDY: Mr. O'Brien.

WILLIAM O'BRIEN: William O'Brien, Jefferson County Attorney's office.

To follow along the explanation that the Councilwoman was doing. It was on Sunday November 22nd they received the contract and they forwarded it to our office at that point in time so that would have been what

Monday the 23rd. It was going through the process. But then I HOP, I want to make sure I have the right term here -- basically said that they wanted to get it off their books before the end of this year. And that's why the time. Yes, IHOP I keep thinking of the pancake international -- but when I first saw that I was thinking why is the pancake house giving us \$50,000, but it is not. So that is the reasoning. Not the reasoning. Those are facts of why it occurred on such short notice.

PRESIDENT TANDY: Thank you. Councilman Brent Ackerson.

COUNCILMAN BRENT ACKERSON: Thank you Mr. President. I may be the second Council person tonight to talk about an old saying and that's not to look a gift horse in the mouth and I want to go on record to the IHOP thank you for the \$50,000. We'll put it to good use in this community and help those in need.

COUNCILMAN PEDEN: I too I'm happy to receive \$50,000 more question is more technical and that is this thing hasn't been before committee we've declared it an emergency but if you look at all of the documentation that we have there's no actual resolution. There's just a title. And so I was curious if there was any way possible to get something that at least I can read before I vote on it because right now all you have is a memo on IHOP stationery and no other documentation in front of us at all that makes it an official resolution.

PRESIDENT TANDY: Madam Clerk, did you want address that?

CLERK: It's not there. My apologies. I will get you a copy of the resolution. If we want to reconsider this, we can come back to it so that everyone will have a hard copy in front of them. Is that what the wish is?

PRESIDENT TANDY: Well, let's continue with our discussion and we'll come back to that. Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Mr. President, I call the question.

PRESIDENT TANDY: Councilwoman Welch did you have anything else?

COUNCILWOMAN WELCH: Just one other comment because many of you know that I am also contracted Passport Health Plan. But I have nothing to do with this IHOP portion of University Healthcare, which distributes the funding. So I just wanted to clarify that, also.

COUNCILMAN KRAMER: I object to calling the question in order to keep us in order.

COUNCILWOMAN WOOLRIDGE: Roll call, Mr. President.

PRESIDENT TANDY: That's fine. Okay. All right. Is there any further discussion?
We're fine. Any further discussion? All right, seeing none.
This would call for -- well it's a resolution normally would call for a voice vote but in order to record Councilwoman Welch's abstention we'll have a roll call vote. Madam Clerk?
CLERK: I thought we were going to wait.

PRESIDENT TANDY: There was no clear indication as to -- we had one Council person saying they want a copy is that the will of the body.

CLERK: Do you want your copy first?

PRESIDENT TANDY: Just hold this and go on and continue on with the rest of our business and then come back to it at the end of old business.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: I just wanted to try to understand where we are on this.
Have we already suspended the rules on this one or is that what we're trying to do.

PRESIDENT TANDY: No the rule was invoked. Rule 7.12 was invoked.

COUNCILMAN KING: It was invoked without objection.

PRESIDENT TANDY: Yes it was.

COUNCILMAN KING: So we have suspended the rule.

CLERK: 7.12 includes in the rule that 7.01 is part of the 7.12 which allows for the suspension of that rule, that portion of 7.01, which requests a second reading.

COUNCILMAN KING: So where I'm going with this, I'm just trying to understand.
Do we now have before us the resolution?

PRESIDENT TANDY: We do.

COUNCILMAN KING: There's already been a motion and second on it.

PRESIDENT TANDY: It is.

COUNCILMAN KING: We need a motion to table.

PRESIDENT TANDY: We would.

COUNCILMAN KING: If we're putting it later in the agenda.

PRESIDENT TANDY: Yes.

COUNCILMAN KING: Are you looking for a motion to table.

PRESIDENT TANDY: I am.

CLERK: I'm bringing the copies now.

COUNCILMAN KING: I'm willing to offer the motion to table if you still want it looks like they are handing out the resolution.

PRESIDENT TANDY: I think we'll be okay. I appreciate that.

Councilman Kramer?

COUNCILMAN KRAMER: Thank you.

PRESIDENT TANDY: Has everyone received a copy? Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President. Having not heard a second on the table, therefore it's still before us and we now have copies of it and being a quick speed reader I've been through this very quickly and it's something -- I mean, I'll call the question now.

COUNCILMAN BENSON: Second.

PRESIDENT TANDY: Properly moved and seconded the question has been called. Without objection the question is called. We now have the resolution before us. Madam Clerk, please allow for a roll call vote to be taken.

Voting Result: Item 10

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: *ABSTAIN*

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: EXCUSED ABSENCE

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 24 yes votes, 1 Abstention from Councilwoman Welch and one excused member not voting, Councilman Jon Ackerson.

PRESIDENT TANDY: **The resolution passes with one abstention.**

CONSENT CALENDAR:

PRESIDENT TANDY: Next item of business is the consent calendar.

The consent calendar comprises of Items 11 through 13. Are there any additions or deletions? Hearing none, Madam Clerk a reading of those items.

11- O-195-11-09 AN ORDINANCE CLOSING SECTIONS OF THE RIGHT-OF-WAY WHICH WAS FORMERLY A PORTION OF CRITTENDEN DRIVE, AND A SECTION OF ASHBOTTOM ROAD, OLD GRADE LANE, NEW GRADE LANE, BEANBLOSSOM ROAD AND ORANGE DRIVE, ALL OF WHICH BEING IN LOUISVILLE METRO AND SHOWN MORE PARTICULARLY ON EXHIBIT A HERETO (CASE NO. 11920). (June 8, 2010)

Status: On Council Agenda - Consent Calendar

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

12- O-197-11-09 AN ORDINANCE CLOSING A SECTION OF A 20-FOOT-WIDE ALLEY LOCATED ON THE WEST SIDE OF 1ST STREET, APPROXIMATELY 200 FEET SOUTH OF WEST BRECKINRIDGE STREET, RUNNING WEST 200.71 FEET, CONTAINING 4,014 SQUARE FEET, AND BEING IN LOUISVILLE METRO (CASE NO. 13035). (June 8, 2010)

Status: On Council Agenda - Consent Calendar

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

13- R-235-11-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – ROOSEVELT LIGHTSY, JR. - \$40,750.00.

Status: On Council Agenda - Consent Calendar

Committee: Contracts and Appointments

Primary Sponsor: Barbara Shanklin

PRESIDENT TANDY: Thank you Madam Clerk. Is there a motion to approve?

COUNCILMAN PEDEN: Motion to approve.

COUNCILMAN DOWNARD: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the Consent Calendar before us. Madam Clerk, please open the voting.

Voting Result: Consent Calendar

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: EXCUSED ABSENCE
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: The vote is 25 yes votes and one member excused not voting, Councilman Jon Ackerson.

PRESIDENT TANDY: **The Consent Calendar passes.**

OLD BUSINESS:

The next item of business is Old Business. Madam Clerk, please read that item.

14-O-190-10-09 AN ORDINANCE CHANGING THE ZONING FROM OR-3, OFFICE RESIDENTIAL AND OTF, OFFICE TOURIST FACILITY, TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 3901 AND 3903 ATKINSON SQUARE DRIVE AND 1507 GARDINER LANE, CONTAINING A TOTAL OF 6.27 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 12579). (January 1, 2010)

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

COUNCILMAN PEDEN: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: The item is properly moved and seconded. Is there any discussion, Councilman Owen.

COUNCILMAN OWEN: Thank you, Mr. President and colleagues.

This is a site where Louisville Tech has been operating which is part of Sullivan College.

And they are renaming that campus that they have. I'll tell you where it is.

It's on the off ramp southbound Newburg Road off of the Watterson Expressway.

Kind of squares in between Cross Chrysler and Jeep and the Housing Authority of Louisville high rise which faces Bishop Lane. Know where I am? There's one existing building on this three parcel site which totals 6.27 acres. Sullivan needed the C-2 zoning because they are going in the short term, going to be building a trade school is really what it amounts to.

They are going to -- they have renamed the host site Sullivan College of Technology and Design and the technology that's involved in the trade school application is to be teaching HVAC and air-conditioning, HVAC and refrigeration and some other technical skills.

And that will be in a new building. There is a home on that site that will remain.

And then there is room for further expansion.

So this is an application by Sullivan University to rezone this site to C-2.
And it's in Mr. King's District if I understand correctly and he may well want to comment.

COUNCILMAN KING: Yes I would support this change.
I certainly support Sullivan University and the great things they are doing in my district.
We are very proud to have them there.
They have recently acquired the Holiday Inn that sits there next to Kentucky Fried Chicken for student housing.
And I've -- have already upgraded that and renamed it Gardiner Point and I'm just very impressed.
I mean their campus runs from Bardstown Road, east of Bardstown Road to west of Newburg Road and I hope they continue to grow. They are one of our great economic development engines here in Louisville.
Especially one of the things I'm particularly proud of is this new trade school because I do think we badly need that. So I would fully support this.

PRESIDENT TANDY: Any further discussion?
Seeing none, this is an ordinance calling for a roll call vote Madam Clerk, please open the voting.

Voting Result: Item 14

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: EXCUSED ABSENCE
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 25 yes votes, one Council Member not voting, Councilman Jon Ackerson.

PRESIDENT TANDY: **The ordinance passes.** Next item of business is Item No. 15.
Madam Clerk, a reading of this ordinance.

15-O-196-11-09 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE FAMILY RESIDENTIAL TO R-5, SINGLE FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 9412 FERN CREEK ROAD AND 9813 FERN HILL DRIVE, CONTAINING A TOTAL OF 5.89 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 11527). (January 15, 2010)

Status: On Council Agenda - Old Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

COUNCILWOMAN WOOLRIDGE: Motion to approve.
COUNCILMAN DOWNARD: Second.

PRESIDENT TANDY: The item has been properly moved and seconded.
We now have the ordinance before us. Is there any discussion? Councilman Owen.

COUNCILMAN OWEN: Yes thank you very much. This was heard in committee. That came with a unanimous recommendation from the Planning Commission. There had been two public hearings on this case. It did generate a measure of citizen interest. It proposes to build 23 -- 23 lot subdivision. 17 of the lots would be at an extended Fern Hill Drive and six of the lots would be after you go around the second curve on Fern Creek Road they would be off of Fern Creek Road on the east side of Bardstown Road. So -- and the reason they generated -- there was some controversy for this Ivy Oaks subdivision was that some of the adjacent property owners thought that the size of the residences that were being proposed were too small and not of sufficient price point for some of the properties that were adjoining. There was discussion at the Planning Commission level about building materials. There were some accommodations made by the developer there. There is a stub that if the site to the east is developed that would connect to Keeling Park Drive. But this came out of committee with a unanimous support. It's in Councilman Engel's district and he may well want to comment.

COUNCILMAN ENGEL: Yes, thank you Mr. President. I appreciate Councilman Owen explaining this. This has been a case that's been going on in my district for quite a while. It has -- there's a couple of subdivisions that have been keeping an eye on the record will state that Keeling Place and also Windwood subdivision are in close proximity to this particular project. And the record states the concern from some of the neighbors that the square footage of those particular subdivisions appear to be potentially much greater than this size of the homes that are being proposed here. So it is a concern to some of the neighbors as you can see by the record. And so that's why there was some discussion I believe that Councilman Owen mentioned. So that's all I have to say, thank you.

PRESIDENT TANDY: Thank you, Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you Mr. President. As I was reading through some of the documentation here, it seems that there are some concerns about the tree preservation, drainage and the swales for drainage and sidewalks. Could anyone speak to me regarding if those were issues or if they were issues have they been resolved?

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: I cannot address that case -- this case in that detail. I will say what I suspect Councilwoman what you're reading are concerns that were addressed before the Planning Commission. There had been two public hearings on this case. I know that there were some accommodations made as to whether -- and I do know that the vote came unanimously out of the Planning Commission. So I suspect -- am I incorrect, Councilman Engel? I'm sorry; 6-3. So there was debate within the Planning Commission. I'm sorry. And so I cannot address those specific comments other than I know there were some accommodations made through the Planning Commission process.

PRESIDENT TANDY: Any further discussion?

COUNCILWOMAN WOOLRIDGE: Mr. President, it's in Councilman Engel's district. Could he speak to the concerns that I had about the tree preservation, sidewalks and swales for drainage? I mean I don't want to put anybody on the spot, but that's a concern of mine.

COUNCILMAN ENGEL: Thank you, Mr. President. You know, with regard to tree preservation, that's been an ongoing -- that's been an issue in my district at times so we keep a close eye on that. I can't speak to tree preservation on this particular zoning case.

Infill was discussed I believe by -- infill issue was discussed by Councilman Owen with regard to the infill on R-5s versus R-4 so I believe that's part of the record, as well. I believe you have some valid concerns.

PRESIDENT TANDY: Any further discussion?

Seeing none this is an ordinance calling for a roll call vote, Madam Clerk, please open the voting.

Voting Result: Item 15

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: EXCUSED ABSENCE

HAL HEINER: NOT VOTING

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: NO

JAMES PEDEN: NO

MADONNA FLOOD: YES

DOUG HAWKINS: YES

BRENT ACKERSON: YES

CLERK: There are 22 yes votes, 2 No Votes from Councilman Engel and Councilman Peden; two Council Members not voting, Councilman Jon Ackerson (excused) and Councilman Heiner.

PRESIDENT TANDY: **The ordinance passes.** The next item of business is Item No. 16.
Madam Clerk, a reading of this resolution.

16- R-228-11-09 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE TRANSIT AUTHORITY OF RIVER CITY (TARC) CONCERNING AN \$800,000 GRANT TO CONSTRUCT BUS STOP IMPROVEMENTS AND PEDESTRIAN ACCESS UPGRADES ON PUBLIC RIGHTS-OF-WAY.

Status: On Council Agenda - Old Business - Postponed to Time
Certain - Dec. 3, 2009 Council Meeting

Committee: Transportation/Public Works

Primary Sponsor: Tom Owen

PRESIDENT TANDY: Councilwoman Woolridge thank you for the motion.

But this is an item that was postponed to this meeting so it doesn't require a motion.

We now have it before us. Is there any further discussion? Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President this has been postponed for basically the main reason is to get a better understanding of the priorities of the corridors that was outlined in a letter that we received from

the Executive Director Barry Barker. He also explains and you should have this letter in front of you on your system. On the system it should say and also the letter describes the \$800,000 is basically a match basically coming 20% from local funds and it's for bus stop improvements and pedestrian access as detailed. The priorities that they are looking at, this is not all inclusive.

But the main ones that he mentions is Dixie Highway, Preston Highway, Poplar Level Road Newburg, Bardstown Road, Westport Road, Brownsboro Road and a couple of other ones and they are going to come to each of the Council Members to discuss particular areas where they are going to -- the best place to have these improvements and upgrades. That's the reason we want to get that feedback from the Executive Director and I think it adequately satisfies our concerns and I would encourage everybody to support it.

PRESIDENT TANDY: Thank you, Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President.

I just want to -- when this first came before us and we were holding it because of just talking in general about the TARC grant, I didn't really realize that that is the other side of the grants from the TARC side, the other side of those that you guys are so -- have been so good about supporting in my district where we have used Neighborhood Development Funds for matching the other 20%. So we have done that in past meetings where we have supported the match to it I didn't realize this is the TARC match if I would have spoken up two weeks ago when we held this. There are some good things happening we already have the situation we already have the situation -- we already have the situation moving on Dixie Highway and Councilwoman Woolridge and myself and the City of Shively has been involved in those works. So I, too, would certainly like to see us move this out today so we can keep that going. Thank you, Mr. President.

PRESIDENT TANDY: Thank you. Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you, Mr. President. We've been awaiting these stimulus dollars for a long time. And I would call communication with TARC months back about different projects and priorities in my district along West Market Street and other locations.

So even though they weren't named along those particular corridors, it does say in other major corridors and that these funds will be used throughout Metro Louisville so I just wanted to let my folks know that even though they might not have heard our street that these dollars will be spread out among the community.

PRESIDENT TANDY: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

I would just like to follow up with something Councilman Blackwell said.

This improvement, it has started on Dixie Highway. I only had to pay it was a 20% match.

However, with the City of Shively being in my district, Shively matched 10% and I matched 10% and Councilman Blackwell had to pay his entire 20%. So I would like to thank Shively out there for stepping up to the plate to pay 10% of the matching fund they are doing a wonderful job out there with the furniture and the sidewalk; especially the curb cuts, because we have a lot of handicap folk using wheelchairs and they are cutting those ramps where it's a great accessibility out there now.

Thank you, Mr. President.

PRESIDENT TANDY: Thank you, any further discussion?

Seeing none, this is a resolution that calls for a voice vote.

All those in favor signify by saying aye.

ALL PRESENT: AYE

PRESIDENT TANDY: All opposed?

The ayes have it. **The resolution passes.**

Before everyone leaves, I just want to as a Council we were talking about Barry Barker today.

We want to keep Barry and his wife and the rest of their family in our thoughts and prayers on Thanksgiving Day they lost their son in a tragic car accident. And so we want to keep them in our prayers, keep them lifted up and certainly we're praying for the Barker family.

So with that Madam Clerk we want -- we'll move now into new business

NEW BUSINESS:

17- O-205-12-09 AN ORDINANCE APPROPRIATING \$8,000 FROM THE DISTRICT 20 NEIGHBORHOOD DEVELOPMENT FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR SIDEWALK INSTALLATION ALONG TUCKER STATION ROAD BETWEEN TAMWORTH COURT AND KIRKHAM ROAD.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Stuart Benson

18- O-212-12-09 AN ORDINANCE APPROPRIATING \$7,000 IN TOTAL FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS, \$5,000 FROM DISTRICT 17 AND \$1,000 FROM DISTRICTS 15 AND 16 THROUGH THE OFFICE OF MANAGEMENT AND BUDGET TO THE SALVATION ARMY (GEORGIA) FOR GENERAL OPERATIONS OF THE SALVATION ARMY BOYS AND GIRLS CLUBS OF LOUISVILLE.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Glen Stuckel
Kelly Downard
Marianne Butler

19- O-216-12-09 AN ORDINANCE APPROPRIATING \$6,000 FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS, \$1,000 FROM DISTRICTS 12, 13 AND 15, \$2,000 FROM DISTRICT 25, \$250 FROM DISTRICTS 10 AND 14 AND \$500 FROM DISTRICT 23 THROUGH THE OFFICE OF MANAGEMENT AND BUDGET TO THE VALLEY VIEW BAPTIST CHURCH, INCORPORATED FOR THE SHOP WITH A HERO PROGRAM.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Vicki Aubrey Welch
Marianne Butler
Rick Blackwell
Robert Henderson
Doug Hawkins
James Peden
Jim King

20- O-217-12-09 AN ORDINANCE APPROPRIATING \$7,500 FROM THE DISTRICT 20 NEIGHBORHOOD DEVELOPMENT FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE OLD CLARK STATION ROAD CONCEPTUAL DESIGN STUDY.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Stuart Benson

21- O-218-12-09 AN ORDINANCE APPROPRIATING \$24,357 FROM DISTRICT 2 NEIGHBORHOOD DEVELOPMENT FUNDS (NDF), THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. FOR PLAYGROUND EQUIPMENT AT H. B. SLAUGHTER ELEMENTARY SCHOOL.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Barbara Shanklin

22- O-219-12-09 AN ORDINANCE APPROPRIATING \$10,000 FROM THE DISTRICT 5 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE OFFICE OF MANAGEMENT AND BUDGET TO DISMAS CHARITIES, INC. FOR THE FAMILY FOREVER PROGRAM.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Cheri Bryant Hamilton

23- O-220-12-09 AN ORDINANCE APPROPRIATING \$25,000 FROM DISTRICT 2 NEIGHBORHOOD DEVELOPMENT FUNDS (NDF), THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. FOR ATHLETIC FIELDS, BLEACHERS AND LANDSCAPING AT NEWBURG MIDDLE SCHOOL.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Barbara Shanklin

24- O-221-12-09 AN ORDINANCE APPROPRIATING \$8,500 FROM THE DISTRICT 19 NEIGHBORHOOD DEVELOPMENT FUND TO THE LOUISVILLE METRO PARKS DEPARTMENT FOR THE CONSTRUCTION OF TWO PROJECTS AT LONG RUN PARK IN COUNCIL DISTRICT 19.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Hal Heiner

25- O-222-12-09 AN ORDINANCE APPROPRIATING \$40,000 FROM DISTRICT 2 NEIGHBORHOOD DEVELOPMENT FUNDS (NDF), THROUGH THE OFFICE OF MANAGEMENT AND BUDGET, TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. FOR A PLAYGROUND STRUCTURE AND ASSOCIATED SUPPLIES AT RANGELAND ELEMENTARY SCHOOL.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Barbara Shanklin

26- O-172-10-09 AN ORDINANCE APPROPRIATING A TOTAL OF \$18,500.00 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$2000.00 FROM DISTRICTS 13, 15, 1, AND 12; \$1000.00 FROM DISTRICTS 2, 3, 4, 5, 9, 21, AND 24; \$500 FROM DISTRICTS 10 AND 17; AND \$2,500.00 FROM DISTRICT 20 THROUGH THE OFFICE OF MANAGEMENT AND BUDGET TO THE UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION, INC. TO PROVIDE MOBILE MAMMOGRAM SERVICES IN METRO NEIGHBORHOODS.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Barbara Shanklin
Cheri Bryant Hamilton
Dan Johnson
David Tandy
Glen Stuckel
Jim King
Judy Green
Madonna Flood
Marianne Butler
Mary C. Woolridge
Rick Blackwell
Stuart Benson

Tina Ward-Pugh
Vicki Aubrey Welch

27- O-207-12-09 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009 AND ORDINANCE NO. 91, SERIES 2009 RELATING TO THE FISCAL YEAR 2009-10 CAPITAL AND OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$100,000 FROM THE DISTRICT 2 CAPITAL INFRASTRUCTURE FUND TO THE DISTRICT 2 NEIGHBORHOOD DEVELOPMENT FUND.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Barbara Shanklin

28- O-211-11-09 AN ORDINANCE AMENDING ORDINANCE NO. 90, SERIES 2009, RELATING TO THE CAPITAL BUDGET FOR FISCAL YEAR 2009-10 FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$275,000 BETWEEN CAPITAL PROJECTS.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Vicki Aubrey Welch

29- O-213-12-09 AN ORDINANCE AMENDING ORDINANCES NO. 98, SERIES 2005, ORDINANCE NO. 112, SERIES 2006, ORDINANCE NO. 126, SERIES 2007, ORDINANCE NO. 42, SERIES 2009, AND ORDINANCE NO. 91, SERIES 2009, RELATING TO THE CAPITAL BUDGETS FOR FISCAL YEARS 2005-06, 2006-07, 2007-08, 2008-09, AND THE OPERATING BUDGET FOR FISCAL YEAR 2009-10 FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT TO FACILITATE CHANGING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING PERIOD TO MATCH THE FISCAL YEAR OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$2,866,688 OF PREVIOUSLY APPROPRIATED GENERAL AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND TRANSFERRING \$119,600 OF GENERAL AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN RELATION TO EXTERNAL AGENCIES.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

30- O-214-12-09 AN ORDINANCE AUTHORIZING YEAR-END OPERATING BUDGET TRANSFERS BETWEEN VARIOUS AGENCIES FOR FISCAL YEAR 2008-2009, TO PROVIDE CARRY FORWARD FUNDING FOR FISCAL YEAR 2009-2010 METRO OPERATIONS, TO AMEND ORDINANCE NO. 112, SERIES 2008, AND TO PROVIDE VARIOUS TRANSFERS AS DETAILED HEREIN.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

31- O-215-12-09 AN ORDINANCE AMENDING ORDINANCE NO. 115, SERIES 2003, ORDINANCE 98, SERIES 2005, ORDINANCE 112, SERIES 2006, ORDINANCE 72, SERIES 2007, ORDINANCE 126, SERIES 2007, ORDINANCE 111, SERIES 2008, AND ORDINANCE 202, SERIES 2008 RELATING TO THE CAPITAL BUDGET FOR FISCAL YEARS 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, AND 2008-2009 FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$3,641,551.71 OF CAPITAL CUMULATIVE RESERVE FUNDS TO THE GENERAL FUND.

Status: On Council Agenda - New Business

Committee: Budget
Primary Sponsor: Jim King

32- O-204-12-09 AN ORDINANCE APPROVING THE SECOND AND THIRD PAYMENTS OF FOURTEEN MILLION THREE HUNDRED THOUSAND (\$14,300,000) DOLLARS PLUS ASSOCIATED EMPLOYER COSTS BY MARCH 31, 2010 AND FOURTEEN MILLION NINE HUNDRED THOUSAND (\$14,900,000) DOLLARS PLUS ASSOCIATED EMPLOYER COSTS BY JULY 15, 2010, SUCH AMOUNTS TO BE FUNDED THROUGH CURRENT RESOURCES INCLUDING BUT NOT LIMITED TO UNRESERVED GENERAL FUND BALANCE, SUCH PAYMENTS ARE PART OF THE A FORTY-FIVE MILLION (\$45,000,000) DOLLAR TENTATIVE SETTLEMENT OF LITIGATION WITH EIGHT HUNDRED THIRTY-FOUR (834) PLAINTIFFS, CURRENT AND FORMER MEMBERS OF THE LOUISVILLE FIRE DEPARTMENT, FOR OVERTIME DUE ON LUMP SUM ALLOWANCES FROM 1985 THROUGH 2008.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jon Ackerson

33- R-242-12-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – LUCKETT & FARLEY ARCHITECTS, ENGINEERS AND CONSTRUCTION MANAGERS, INC. - \$200,000.00.

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Robert Henderson

34- R-244-12-09A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – JEFFERSON COUNTY BOARD OF EDUCATION (JCPS ADULT EDUCATION) - \$10,800.00.

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Barbara Shanklin

35- R-245-12-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (PRESNELL ASSOCIATES D/B/A QK4 - \$50,000.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Robin Engel

36- R-241-12-09 A RESOLUTION AMENDING SECTION 8 OF THE RULES OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT COUNCIL

Status: On Council Agenda - New Business
Committee: Government Accountability & Oversight
Primary Sponsor: Marianne Butler
Robert Henderson

37- R-249-12-09 A RESOLUTION ENCOURAGING THE KENTUCKY GENERAL ASSEMBLY TO AMEND KRS 67C.105(6) REGARDING A VACANCY IN THE OFFICE OF LOUISVILLE METRO MAYOR.

Status: On Council Agenda - New Business
Committee: Government Accountability & Oversight
Primary Sponsor: Mary C. Woolridge

38- R-247-12-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A FUNDING PERIOD OF 36 MONTHS IN THE AMOUNT OF APPROXIMATELY \$2,725,000 FOR THE LEAD HAZARD CONTROL PROGRAM TO BE USED BY THE DEPARTMENT OF HOUSING AND FAMILY SERVICES TO FURTHER THIS PROGRAM.

Status: On Council Agenda - New Business
Committee: Health & Human Needs
Primary Sponsor: Mary C. Woolridge

39- O-206-12-09 AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT RELATING TO WAGES, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT BETWEEN LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS AFL CIO-CLC, IBEW LOCAL 369 CONCERNING CERTAIN EMPLOYEES OF THE LOUISVILLE METRO PUBLIC WORKS AND ASSETS DEPARTMENT.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Marianne Butler

40- O-208-12-09 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, AUTHORIZING AND DIRECTING THE PARKING AUTHORITY OF RIVER CITY INC. ("PARC") TO ISSUE ITS FIRST MORTGAGE REVENUE BONDS, SERIES 2010A, AND FIRST MORTGAGE REVENUE BONDS, SERIES 2010B (FEDERALLY TAXABLE - BUILD AMERICA BONDS – DIRECT PAYMENT), TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A PARKING GARAGE LOCATED AT 615 SOUTH FOURTH STREET CONTAINING APPROXIMATELY 330 PARKING SPACES AND A PARKING GARAGE LOCATED AT 838 WEST MARKET STREET CONTAINING APPROXIMATELY 427 PARKING SPACES, LOCATED IN LOUISVILLE METRO (THE "SERIES 2010 BONDS"), AND RELATED EXPENDITURES; AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL INDENTURE, A SUPPLEMENTAL LEASE AND A SUPPLEMENTAL SECURITY AGREEMENT NECESSARY TO EFFECT THE ISSUANCE OF SUCH BONDS; AND TAKING OTHER RELATED ACTION.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

41- O-223-12-09 AN ORDINANCE AUTHORIZING (A) THE ISSUANCE OF (I) LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT STUDENT HOUSING INDUSTRIAL BUILDING REFUNDING REVENUE BONDS (ULH, INC. – KURZ HALL PROJECT), SERIES 2009A IN AN AMOUNT NOT TO EXCEED [\$15,250,000] (THE "SERIES 2009A BONDS") AND (II) LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT STUDENT HOUSING INDUSTRIAL BUILDING REFUNDING REVENUE BONDS (ULH, INC. – BETTIE JOHNSON HALL PROJECT), SERIES 2010A IN AN AMOUNT NOT TO EXCEED [\$24,250,000] (THE "SERIES 2010A BONDS," AND TOGETHER WITH THE SERIES 2009A BONDS, THE "BONDS"); (B) THE EXECUTION AND DELIVERY OF (I) A TRUST INDENTURE BETWEEN THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS TRUSTEE (OR SUCH OTHER INSTITUTION WHICH MAY SERVE AS TRUSTEE) (THE "TRUSTEE") AND THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE "ISSUER") SECURING THE SERIES 2009A BONDS, (II) A TRUST INDENTURE BETWEEN THE TRUSTEE AND THE ISSUER SECURING THE SERIES 2010A BONDS, (III) A LOAN

AGREEMENT BETWEEN THE ISSUER AND ULH, INC. (THE "COMPANY") REGARDING THE SERIES 2009A BONDS, (IV) A LOAN AGREEMENT BETWEEN THE ISSUER AND THE COMPANY REGARDING THE SERIES 2010A BONDS, (V) A BOND PURCHASE AGREEMENT AMONG THE ISSUER, THE COMPANY AND MORGAN KEEGAN & COMPANY, INC. (THE "UNDERWRITER") IN CONNECTION WITH THE SERIES 2009A BONDS, (VI) A BOND PURCHASE AGREEMENT AMONG THE ISSUER, THE COMPANY AND THE UNDERWRITER IN CONNECTION WITH THE SERIES 2010A BONDS, (VII) AN OFFICIAL STATEMENT RELATING TO THE ISSUANCE AND SALE OF THE SERIES 2009A BONDS, (VIII) AN OFFICIAL STATEMENT RELATING TO THE ISSUANCE AND SALE OF THE SERIES 2010A BONDS, AND (IX) ANY AND ALL OTHER RELATED DOCUMENTS; AND THE TAKING OF OTHER RELATED ACTION.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Barbara Shanklin

42- R-248-12-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A DONATION IN THE AMOUNT OF \$5,000 FROM E.ON U.S. TO BE USED BY THE LOUISVILLE FIRE DEPARTMENT FOR THE GREAT LOUISVILLE FIRE DRILL.

Status: On Council Agenda - New Business
Committee: Public Safety
Primary Sponsor: Mary C. Woolridge

43- R-243-12-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A FEDERAL GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS VIA THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS IN THE AMOUNT OF \$250,000.00 THROUGH THE CRIMINAL JUSTICE COMMISSION AND THE DEPARTMENT OF CORRECTIONS FOR THE SHAWNEE REINVESTMENT PROJECT AND THE RE-ENTRY FOR JAIL INMATES PROJECT.

Status: On Council Agenda - New Business
Committee: Public Safety
Primary Sponsor: Cheri Bryant Hamilton

44- O-209-12-09 AN ORDINANCE CHANGING THE ZONING FROM R-7, MULTI-FAMILY RESIDENTIAL TO OR-3, OFFICE RESIDENTIAL ON PROPERTY LOCATED AT 3532 EPHRAIM MCDOWELL DRIVE, CONTAINING A TOTAL OF 4.16 ACRES, OF WHICH 2.17 ARE PROPOSED TO BE REZONED, AND BEING IN LOUISVILLE METRO (CASE NO. 12796).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

45- O-210-12-09 AN ORDINANCE CLOSING STONEHAVEN COURT, A CUL-DE-SAC LOCATED IN THE KITTMOR GARDENS SUBDIVISION, RECORDED AT SUBDIVISION BOOK 18, PAGE 1, IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY, KENTUCKY, FROM ITS SOUTHEAST INTERSECTION WITH EPHRAIM MCDOWELL DRIVE, RUNNING SOUTHEASTERLY TO ITS END, CONTAINING 10,036 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 12797).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Adjournment

There being no further business, the **Regular December 3, 2009** Metro Council meeting adjourned without objection at 7:28 PM EDT.

Kathleen J. Herron, Metro Council Clerk

David W. Tandy, Metro Council President

Announcements were made by CW Welch, CM Owen, CW Hamilton and CM Blackwell.
